

Testimony to the Little Hoover Commission

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I am pleased to have the opportunity to respond to the Little Hoover Commission's request for testimony concerning the efforts to reform California's foster care system, with emphasis on Los Angeles County. The Planning Council is a public/private planning body created by the Los Angeles County Board of Supervisors to improve outcomes for children and families. Chaired by the Chair Pro Tem of the Board of Supervisors and composed of 48 key stakeholders responsible for services and supports to children and families, the Council helps the government and the community to work together achieve an ambitious vision for Los Angeles County's children: ***"Los Angeles County children should reach adulthood having experience a safe, health, and nurturing childhood which prepares them to become responsible and contributing members of the community."***

To achieve this vision, the Council proposed and the Board of Supervisor's adopted five outcomes for children:

- Good Health
- Safety and Survival
- Economic Well-Being
- Social and Emotional Well-Being
- Education and Workforce Readiness

These outcomes have been adopted by other governmental entities and organizations in Los Angeles and are used to guide efforts on behalf of children and families in a number of areas. To promote effective and meaningful collection of data that could help measure the results achieved on behalf of children, the Children's Planning Council developed, championed and ultimately persuaded the Board of Supervisors to adopt unified geographically-based

planning areas. The eight Service Planning Areas have, over the past nine years, become a standardized way of dividing the county into segments of more manageable size for a number of different purposes. This has provided a previously non-existent mechanism to ensure the comparability of data between county departments, other public jurisdictions (e.g., cities and school districts) and private agencies, completely revolutionizing the capacity to assess progress on improving outcomes for children.

The Council's deep commitment to the principle that communities must determine their own priorities led to the development of a system of geographic councils (eight SPA Councils) and a ninth countywide American Indian Children's Council (AICC), designed to provide a systematic structure for planning in response to local community characteristics and needs. This effort, intensive work on identifying and collecting data on key indicators, and efforts to improve service integration, particularly among County departments, were the Council's primary focus for its first ten years.

In 2001 the Children's Planning Council engaged in a comprehensive strategic planning process designed to assess and revise the "theory of change" driving the Council's approach to improving the lives of children. As a result of this process, the Council's work was redefined to focus on three arenas of action:

- Transforming systems that serve children and families;
- Strengthening community capacity to mobilize for change;
- and
- Building countywide commitments to improve outcomes

The Council's current work plan reflects ambitious goals in each of these areas.

The health or weakness of the child welfare system can logically be perceived as an obvious indicator of well-being for children. The number of children placed in out-of-home care is one of the key indicators of social and emotional well-being that is tracked by the Council, and public and private child welfare agency representatives play an active role at both countywide and local SPA levels. It is important to note, however, that the Children's Planning Council has no direct

oversight or service delivery role, and it views and engages with the foster care system in Los Angeles only as part of the entire system of services that have a bearing on improving outcomes for children. To the greatest extent possible, this testimony is provided from that perspective.

SECTION 1

- A. *What should be the role of the state in promoting reform and maintaining a world class foster care system in all counties?* The state can play a powerful role in shaping the context in which counties perform child welfare duties first by taking a leadership role in building consensus on what a “world class foster care system” looks like. Despite the efforts of many groups both nationally and at the state level (including the current Stakeholders effort in CDSS), no agreement has yet been reached among all parties. As a result, there is no sense of joint effort toward a common goal. Unresolved disagreements and competing priorities sap energy that could be better used in moving the system forward. It is essential that there be virtually universal buy-in to a reform plan if it is going to have a chance of success, and taking the time to build this buy-in could yield great long-term benefits. Agreement must be grounded in reality (what is possible to accomplish given available resources and understanding of the whole array of parties of interest and barriers to success), and must resist political pressures to over-promise at the risk of under-delivering once again.
- B. *What challenges do local agencies and service providers face that cannot be addressed at the local level and require State initiative?* The state serves as a buffer between the local agencies and federal funding streams, regulations, new initiatives and new mandates. For the most part, this is a critical function for, although Los Angeles might be able to go head to head with the Federal government, the clout and credibility of the state as a whole provides greater leverage and ensures a more systematic response. The state also performs an important role in ensuring comparability between counties with respect to the protection and care of children, despite huge variations in size, density, diversity and access to resources. A third arena in which the state can perform a role unavailable to local jurisdictions is in the

development and promotion of policies which shape professional education, compensation and other incentives to create and sustain an ample, well-qualified workforce.

SECTION 2

A. What should be the role of counties to reform the foster care system?

Considering foster care as part of the larger system of services and supports to families suggests that the county role should include:

Building community support for and engagement in addressing the needs of children and families through preventive activities and informal supports.

Helping families to stay intact and to keep their children safe cannot be solely the responsibility of the Department of Children and Family Services. We have to pay more attention to the “front end” of the system and prevent the need for DCFS involvement. Neighbors must be helped to find ways to help neighbors cope with the stresses that can lead to child abuse, and resources such as subsidized housing, employment development, child care, substance abuse treatment and mental health services must be made available to ameliorate the stresses.

Integrating county services to children and families. Service integration can help to optimize resources and improve access to needed services, making it more likely that families can get the support they need at a prevention point, rather than failing into the foster care system.

Changing the community perception of the child welfare agency from that of “punitive child snatcher” to “knowledgeable and effective problem-solving partner with families”: Too often DCFS is viewed as the enemy, systematically destroying poor, vulnerable families by taking away their children and putting these children in harm’s way in some stranger’s home. While this perception of the Child Protective Services may be largely unfair, it is nonetheless pervasive in a number of areas of the county. Practicing greater restraint in removing children from homes, using more objective tools for assessing abuse and neglect, and working with families to address

the problems that are contributing to the endangerment of the child can begin to change this perception and will ultimately have a positive impact on the safety and protection of children.

B. What initiatives can counties undertake today without additional direction?

In Los Angeles, as in other counties, there are strategies that have been undertaken, some more successfully and with more impact than others, although none has been “taken to scale” throughout the county. These include

- Emphasis on family preservation and support. This has been more successful in some communities than others. Based on our successes, we need more exploration of what works and why it works, more consistent application of effective practices, and allocation of sufficient resources to serve the families identified as appropriate for family preservation.
- Expanded resources within the child/family’s home community. The foster care system becomes monstrously counter-productive if children must be removed from their homes in order to access needed services; and reunification becomes an exercise in futility when families must travel significant distances in order to maintain a connection to their children who have been placed in foster care. Development of community-based Family Preservation Networks and Community-based placement efforts such as that promoted by the Family to Family Initiative are designed to address these issues. Progress in expanding such approaches has been discouragingly slow in Los Angeles, despite some successes and substantial community support.
- Structured decision-making: Ensuring that child welfare decisions are made on the basis of data rather than personal opinion will go a long way toward changing the perception of the system as biased, unpredictable and out of control. While it is important that social workers have enough discretion and autonomy to respond

appropriately to specific circumstances, workable systems are needed to provide for reasonable consistency of action across a diverse spectrum of individuals. This becomes particularly important in an environment where social workers with minimal training and experience are charged with the authority to make decisions that profoundly affect families' lives. At the present time in Los Angeles, in an effort to maintain sufficient staffing to achieve and maintain acceptable caseloads, new social workers currently take on caseload responsibility after three weeks of basic training. At the very least, these inexperienced workers need clear and reliable tools to guide their decisions.

C. *How should the state monitor and support local initiatives to ensure counties are fully exploring and pursuing opportunities to improve outcomes for children and families?* The most supportive tactics available to the state include:

- Funding promising approaches: Local agencies and organizations are willing to try new things if they can be compensated for doing so. Funding directed toward specific strategies will result in widening their availability.
- Measuring and reporting on desired results rather than monitoring the methods employed. Typically, far more effort is devoted to regulation and evaluation of the way child welfare services are provided than is expended on determining the results that are being achieved. By monitoring results, we put pressure on the system to seek out and employ the methods that lead to achievement of these results.
- Identifying, publicizing and rewarding innovation and success. To a large extent, practitioners in the child welfare system are depressed and discouraged. This undermines their effectiveness and contributes to the appalling rates of turnover that are prevalent in the field. Making a concerted effort to notice and get others to notice things that are working can help create a greater sense of hope and

possibility. Providing recognition for positive achievements reinforces the value of working to make a difference, strengthening the system and promoting further creativity and innovation.

Section 3

Discuss the roles and responsibilities of the Children's Planning Council as they relate to the foster care system.

A. *How has the Council sought to improve outcomes for children and have its initiatives been successful?* As noted above, the Council's work is at the level of system-wide and local planning for the use of resources and the functioning of structures and services designed to support children and families. The Council has been successful in

- Creating capacity for effective data collection through the adoption of consistent service planning areas and the identification of widely shared desired outcomes;
- Creating a mechanism for strengthening community capacity and building local community engagement in planning and decision-making around the needs of children and families by developing the structure and providing on-going financial and technical support for the eight SPA Councils and the AICC; and
- Mobilizing the community in response to specific issues. For example, a change in federal regulations requiring that kinship families and unrelated foster families be evaluated against the same standards had huge implications for the stability of children in Los Angeles where, for the last twelve years more than 50% of the children in out of home care have been placed with kin. These relatives received a safety screening but were not required to meet the rigorous health and safety standards applied to licensed foster families. In the face of severe financial sanctions, Los Angeles needed to find a way to come into compliance with state and federal requirements without displacing thousands of children. The SPA Councils were asked to sponsor community meetings and

local focus groups through which information about the necessity for change could be shared, and community-based approaches to resolving the problem could be explored. The process helped to dispel the resentment and potential rebellion of families who have made a commitment to children, often at great personal cost, while at the same time bringing these key stakeholders in as partners in problem-solving, acting with the county rather than simply being acted upon. While this effort did not magically bring Los Angeles into compliance with the federal requirements, it did create a process for moving into increasing compliance with the cooperation and understanding of relative caregivers.

- B. *Does the Council have adequate authority, information and tools to be an effective agent for improvement of services to children and families? If not, what authority, information or tools does the Council need?* To the extent that the Council's role is that of convening, planning and recommending, it has been given or has developed the authority, the tools and the public support to be effective. This kind of work wreaks change slowly, and it is difficult to measure the degree to which the Council's efforts have improved outcomes for children on the basis of the identified indicators, but a focus for action and assessment has been created and has had an important impact on the process of making public policy in Los Angeles.

It is extremely difficult for the Council as a whole (and for the SPA Councils in particular) to maintain a focus on all the children of Los Angeles County. In response to events or circumstances, certain issues or groups cry out for the Councils' attention, and it is a struggle to be responsive to immediate issues while keeping sufficient concentration on the overall picture to maintain momentum for broader systems change. Balancing the need to honor the priorities identified through carefully developed local work plans with the importance of being able to respond to emerging issues presents an on-going challenge. For example, the agreed upon work of SPA Council 6 was largely set aside while the Council put its full attention to the kinship care issue described above which affected large numbers of families residing in this area. Likewise,

the resources of the countywide Children's Planning Council were significantly strained in an effort to respond to the Board of Supervisors' concerns about abandoned babies, diverting attention and time from the more global and fundamental concerns established as Council priorities. The Councils' consciousness of this tension and their commitment to maintaining a balance will continue to be essential elements of its process.

- C. *How is the work of the Council integrated with the efforts of the Commission for Children and Families and the Inter-Agency Council on Child Abuse and Neglect?* Representatives of both ICAN and the Commission are members of the Council. They, along with Director of DCFS, bring concerns and knowledge to the Council table, and take a leadership role in Council efforts directly related to their specific missions. For example, the ICAN representative, and many of ICAN's key constituents were brought together to respond to the abandoned babies issue, and their involvement was absolutely essential to the success of this process.

Section IV

- A. *Please discuss what the public's expectations for the foster care system should be and how this Commission should define success in reforming foster care.* As conditions for families and the environments in which they live have changed over time, the expectations of the foster care system have become unwieldy and unrealistic. It is beyond the power of any system to keep all children safe and to make all families functional. We can wish that this were not the case and continue to disappoint, or we can realign expectations and goals to address what is most important. More clarity in three areas would begin to move us in the latter direction.

- A focus on minimum standards for families rather than the best interests of the child. As Pecora et al point out in their excellent book, *The Child Welfare Challenge*¹, it is no longer "feasible or ethical" to continue to expect the system to create perfect families. High caseloads and a

¹ Pecora, Peter J., Whittaker, James K., Maluccio, Anthony N., and Barth, Richard P., *The Child Welfare Challenge*, Aldine de Gruyter, Hawthorne, New York, 2000

shortage of services (or funding to pay for them) have forced agencies to target their services to clients most in need. Parent rights and family privacy prohibit forcing services on families whose functioning does not fall below a certain standard. As a standard, the child's best interest is a subjective and unattainable objective. A more responsible and realistic target is to define minimum standards of care and safety that must be attained and maintained by parents, and work to equip families and communities to meet these minimums.

- Addressing child safety within the context of child development. Child welfare practice does not make any sense if it does not take into consideration children's basic developmental needs. Breaking up families in the interest of safety without equal attention to treating the impact of the break-up results in a failure to protect children. The foster care system must be about permanency as well as safety, and must deal with the fact that, for the vast majority of children, permanency is best achieved with birth families, despite their obvious shortcomings. For the rest, speedy adoption into families who have on-going access to the supports necessary to maintain permanency must be actively and relentlessly pursued.
- The system and the public must come to grips with the fact that there is no child well being without family well-being. Although vulnerable, orphaned children are far more appealing than unattractive, fallible adults, we have to find a way to persuade ourselves and the broader public that the only way to really make a difference for the children is to address the needs and problems of their parents. Our innate sense of what is right and what responsible people *should* do leads us in the direction of saving children by punishing parents. This is understandable but wrongheaded. The child welfare system has to rise above this instinctual response to develop workable, productive relationships with the families that come to its attention.

B. *Please describe the role of the Commission and the public in promoting increased attention to the needs of children and families served by the foster*

care system. As a first step, we need to communicate clearly and effectively about the population(s) served by foster care. Allowing the public to cling to the romantic notion that foster care is for children who have been abandoned by or rescued from brutish and uncaring parents keeps us from moving where we need to go. This system is also called upon to serve

- Mentally ill parents
- Incarcerated parents
- Substance abusing parents
- Irresponsible parents
- Severely emotionally disturbed children
- Conduct-disordered and delinquent children

We need to recognize that these differences among the families and children who are being served demand differences in the responses provided.

Secondly, we need to help develop and promote greater public understanding of and commitment to what it takes to serve these troubled families. Eye-rolling over the cost of foster care is common, and the dollar figures are enormous. However, if these costs are compared to what it costs the average family to raise a child to adulthood, adding in what we would have to pay parents to care for their children, the numbers aren't so out of line. We need to distinguish between runaway costs that do not yield improved results and the absolute costs of doing what the system is supposed to do, including

- providing twenty-four hour care and supervision of children,;
- regulating and monitoring those who provide this care;
- offering services and supports to parents so they can meet minimum standards of care for their children; and
- answering to the demands and time tables of the courts).

C. Please describe how the counties can best establish a local oversight mechanism that will consistently motivate improved performance and outcomes. The experience and the approach taken by the Children's Planning Council are instructive on this point.

- Motivating improved performance requires a buy-in from those who must perform and from those whom the performance most affects. This means that any local oversight mechanism must be multi-disciplinary and must include the voices of the child welfare staff, agencies providing care and services to children and families, the families themselves and community representatives.
- It is also critical to isolate and come to consensus on one or two significant outcomes as the focus of the effort. This is not to say that there are not many issues that must be addressed. These include safety, permanency and any number of factors related to child well-being, such as medical care, education, mental health, social development, independent living skills, etc. It is simply not possible for the system to undertake everything all at once—we've tried this for too long and the result is that nothing gets fully accomplished.
- Above all, any oversight function should clearly be based on continuous quality improvement rather than merely pointing out problems. It is relatively easy to name what is wrong, point a finger at the wrongdoer(s) and impose some penalty. The child welfare system has moved away from this model of intervention with families, and we need to do the same in regard to monitoring the system itself. To be effective the oversight mechanism needs to understand what went wrong, recognize the various factors that contributed to its going wrong, identify specific strategies to avoid having those factors converge in the same way in the future, and support practitioners in changing the ways they do things in response to this analysis. No one can sell from an empty wagon. In addition to the greater likelihood of making steady progress in improving the outcomes of child welfare services through a continuous quality approach, professionals who are engaged in continuous improvement processes are more likely to be able to see and nurture incremental change in the families they serve.

Thank you for your commitment to change in the foster care system. The Children's Planning Council shares this commitment, considering this work a key element of "transforming systems." We look forward to opportunities to playing a role in bringing to fruition recommendations which emerge from the Commission's hearing process.